

**FILED**

MAR 31 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD EUGENE MOTLEY,

Petitioner,

vs.

W.J. SULLIVAN, et al.,

Respondents

C 08-1362 MJJ (PR)

**ORDER OF DISMISSAL;  
GRANTING APPLICATION  
FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS**

**(Docket No. 6)**

Edward Eugene Motley ("petitioner"), a California prisoner, filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 1992 conviction in Santa Clara County Superior Court. Petitioner challenged this same conviction in a prior petition filed in this court, Motley v. Runnels, No. 05-3254 MJJ (PR), which petition was dismissed as untimely.<sup>1</sup>

A second or successive petition challenging the same conviction or parole denial may not be filed in this court under 28 U.S.C. § 2254 unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). As petitioner has not obtained the

<sup>1</sup>A certificate of appealability was denied by this court and the United States Court of Appeals.

1 necessary authorization from the Ninth Circuit, the petition is DISMISSED.

2 In addition, the Court notes that the instant petition is based on asserted errors in the  
3 disposition of state court habeas petitions. Errors in the state post-conviction review process  
4 are not addressable through federal habeas corpus proceedings, however. See Ortiz v.  
5 Stewart, 149 F.3d 923, 939 (9th Cir. 1998)

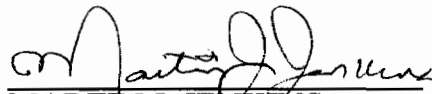
6 The application to proceed in forma pauperis is GRANTED.

7 This order terminates Docket No. 2.

8 The Clerk shall close the file.

9 IT IS SO ORDERED.

10 DATED: 3 / 31 / 2008

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12 MARTIN J. JENKINS  
13 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MOTLEY et al,

Plaintiff,

v.

SULLIVAN et al,

Defendant.

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Case Number: CV08-01362 MJJ

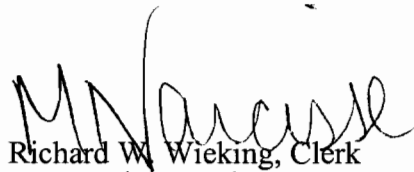
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward Eugene Motley H-56441  
CA Correctional Institution  
P.O. Box 1902  
Tehachapi, CA 93581

Dated: April 2, 2008

  
Richard W. Wieking, Clerk  
By: Monica Narcisse, Deputy Clerk